THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION Nos.20714, 20784 and 21302 of 1998

Dated: 16-08-2005

WRIT PETITION NO.20714 of 1998:

Between:

St. Mary Fathima High School,

rep. by its Correspondent, Nandyala,

Kurnool District.

...Petitioner.

And

The Government of Andhra Pradesh, rep. by its

Principal Secretary to Government Education

Department, Secretariat, Hyderabad and two others.

...Respondents.

WRIT PETITION NO.20784 of 1998:

Between:

Adi Andhra Girls Aided Upper PrimarySchool,

Rep. by its Correspondent-cum-Manager

Smt. Susheelamma,Sangapet, Nandyal.

...Petitioner.

And

The Government of Andhra Pradesh, rep. by its

Principal Secretary, Education Department,

Secretariat, Hyderabad and two others.

...Respondents.

WRIT PETITION NO.21302 of 1998:

Between:

Navabharath Public Aided Primary School,

Rep., by its Correspondent, Kakinanda.

...Petitioner.

And

The Government of Andhra Pradesh, rep. by its

Secretary, Education Department,

Secretariat, Hyderabad and three others.

...Respondents.

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION Nos.20714, 20784 and 21302 of 1998

COMMON ORDER:

In these writ petitions, common questions of fact arise; therefore, they are being disposed of by this common order.

The petitioner-Schools were established as per Rules long back, and have been functioning since then. While so, proceedings dated 14-07-1998 were issued instructing the Management of

petitioner-Schools to attend to a meeting to be held on 15-07-1998 in Zilla Parishad Meeting Hall, Kurnool, in connection with rationalization of surplus/deficit teachers and transfer of teachers working in their schools to different places, enclosing list of posts found surplus in their schools. Then, the Management of the petitioner-Schools submitted representations stating that there are no such posts fell vacant. However, the District Collector, Kurnool, without considering the said representations, issued the proceedings dated 15-07-1998 i.e., on the very same day of counselling/meeting, transferring teachers working in the petitioner-Schools. It is also asserted that either any notice was issued or any opportunity was given to the petitioner-Schools before issuance of the impugned proceedings. Hence, the present writ petition.

A detailed counter-affidavit has been filed by the respondent Nos. 1 to 3 denying the allegations made by the petitioners and stating that as per rationalization norms, vide G.O.Ms.No.No.49 Education, dated 26-02-1998 and subsequent proceedings of the Director of School Education, Counselling was conducted on 15-07-1998 and that the petitioners were also called for the said counselling, and accordingly proceedings were issued on the very same day, transferring surplus teachers to the needy schools, after obtaining the willingness of the teachers. It is also stated that as per the recommendations of the District Rationalisation Committee, the District Collector/Chairman, District Rationalisation Committee ordered redeployment of surplus teachers to the needy schools taking into consideration the teacher-pupil ratio and the availability of posts, as per the visits of the Inspecting Officers and the Inspection Reports.

However, in the counter-affidavit, the respondents nowhere denied the allegation of the petitioner-Schools about non-issuance of notice and denial of opportunity of hearing them, before issuing the impugned proceedings of transfer. In view of the allegation made by the petitioner-Schools, in fact an interim order was passed by this Court on 23-07-1998 directing to maintain status quo. It is

represented that pursuant to the said order of status quo, the teachers, who were sought to be transferred through the impugned proceedings, are still working in the petitioner-Schools.

Be that as it may, without expressing any opinion on merits of the case and since more than seven years have already elapsed and since no notice was issued to the petitioner-Schools before issuing the impugned proceedings dated 15-07-1998, it would suffice in the interests of justice to direct the respondents to take fresh decision in this matter.

Accordingly, the proceedings dated 15-07-1998 are hereby set aside. The respondent Nos. 1 to 3 are directed to take fresh decision in the matter, by making reference to the District Rationalization Committee, Kurnool, if they are so advised, after hearing the Management of petitioner-Schools and the teachers concerned, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. Till such decision is taken, the order of status quo granted earlier shall continue.

With the above directions, the writ petitions are disposed of. No costs.

(C.V. RAMULU, J)

Dated:16-08-2005

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